

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel Y. Abramovitch, et al. Examiner: Thang Tran
Serial No.: 09/997,036 Group Art Unit: 2627
Filed: November 27, 2001 Docket No.: 10970174-4
Title: Re-Writable Optical Disk Having Reference Clock Information Permanently Formed on the Disk

Supplemental Declaration for Reissue Application Under 37 CFR 1.175

As a below named inventor, I declare the following:

- I. I believe the original patent (U.S. patent number 6,046,968) to be wholly or partly inoperative or invalid by reason of the patentee claiming less than the patentee had the right to claim in the patent.
- II. At least one error being relied upon as the basis for the reissue is the fact that Applicants and/or Applicants' representatives failed to appreciate the full scope of the invention. Specifically, other species of claims, which would have been allowable over the prior art, were not submitted to the U.S. Patent and Trademark Office during the examination of the application that issued as U.S. patent number 6,046,968. By way of example, figures 6a - 6b and figures 9a - 9d show such exemplary species.
- III. All errors being corrected in the reissue application up to the time of filing of the declaration (including errors not covered by a prior oath/declaration submitted in this application) or errors which are being corrected by a paper filed concurrently with this declaration arose without any deceptive intention on the part of the applicants. The new claims of the reissue application do not add new matter.
- IV. I offer to surrender U.S. patent number 6,046,968 as required under 37 CFR 1.178. I further intend to submit for surrender the original letters patent, or an affidavit stating that the original letters patent has been lost or is inaccessible, prior to allowance of the subject reissue application.
- V. I have reviewed and understand the contents of the above-identified specification, including the claims as corrected by a paper filed concurrently with this declaration.

VI. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

VII. My residence/post office address and citizenship are as stated below next to my name.

VIII. As a named inventor, I hereby appoint Philip S. Lyren to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith.

IX. The inventors named below are the original, first, and joint inventors of the subject matter which is claimed and for which a reissue patent is sought on the invention having serial number 09/997,036 and entitled "Re-Writable Optical Disk Having Reference Clock Information Permanently Formed on the Disk" (the specification of which was filed on November 27, 2001).

X. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signature of First Inventor

Date

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